

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE CLASSMATES.COM) No. C09-45RAJ
CONSOLIDATED LITIGATION) PLAINTIFFS' RESPONSE REGARDING
) CURTIS NEELEY'S MOTION SEEKING
) PRELIMINARY INJUNCTION
)

On April 19, 2010, this Court entered an order that, inter alia, preliminarily approves the Class Action Settlement entered into between Plaintiffs and Defendants, certifies a settlement class and "subclass," and stays all proceedings in this action until further order of the Court, "except such actions as may be necessary to implement the Settlement Agreement." Dkt. 76 at 9. On November 4, 2010, Curtis J. Neeley Jr. filed a pleading titled "Motion Seeking Preliminary Injunction." Dkt. 101. Mr. Neeley appears to be dissatisfied with certain aspects of the Court's April 19 Order and seeks relief that is at odds with this Court's prior ruling. However, Mr. Neeley has not requested that the Court lift the stay of this action.

In light of the current stay, and unless directed otherwise by the Court, Plaintiffs will not be filing any additional response to address Mr. Neeley's motion,¹ other than papers in support

¹ Although Mr. Neeley's motion was not properly noted on the Court's motion calendar pursuant to CR 7 of the Local Rules for the United States District Court for the Western District of Washington ("Local Rules"), Plaintiffs

1 of final approval, which are scheduled to be filed on or before December 9, 2010. Dkt. 76 at 13
2 (“The parties to the Settlement Agreement may file additional papers in support of the
3 proposed settlement seven (7) calendar days prior to the Final Hearing.”).

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5 DATED this 22nd day of November, 2010.

6 **KELLER ROHRBACK L.L.P.**

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Counsel for Plaintiffs and the Class

are filing this response on the date mandated by the Local Rules had the motion been properly noted for consideration on November 26, 2010. CR 7(d)(3) (“motions for preliminary injunction shall be noted for consideration no earlier than the fourth Friday after filing and service of the motion.”)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE CLASSMATES.COM) No. CV09-45RAJ
CONSOLIDATED LITIGATION)
) CERTIFICATE OF SERVICE
)
)
)

I hereby certify that, on November 22, 2010, I electronically filed the foregoing with the Clerk of the Court via the CM/ECF system, which will send notification of such filing to the following:

Brian S. Kabateck, Joshua H Haffner, Richard L. Kellner, Clifford A. Cantor, David Stampley, Scott A. Kamber, Ana Tagvoryan, Jeffrey A. Rosenfeld, Russell B. Wuehler, Nicole M. Tadano, Stellman Keehnel, Theodore Frank and Lawrence Carl Locker.

I further certify that some of the participants in the case are not registered CM/ECF users. I have dispatched the foregoing documents to a third party commercial carrier for overnight delivery to the following non-CM/ECF participants:

Curtis Neeley
2619 North Quality Lane, Suite 123
Fayetteville, AR 72703

DATED this 22nd day of November, 2010.

s/Amy Williams-Derry
Amy Williams-Derry